## Remarks

We note the provisional double patenting rejection over co-pending patent application serial no. 10/448992, which is co-owned with the present application by Sensormatic Electronics Corporation. Without addressing the merits of the double patenting rejection, Applicant submits herewith a Terminal Disclaimer in compliance with 37 CFR 1.371(c). Accordingly, we respectfully request that the provisional rejection be withdrawn.

We respectfully submit that the solicited claims are not anticipated by, nor obvious in light of, U.S. Patent No. 5,426,419. This patent is also owned the assignee of the present application, Sensormatic Electronics Corporation. In the applicant's prior patent, clamp body 14 (means 6) illustrated in Figure 5, is not "disposed within said tag housing....to move in a substantially linear direction in response to a force to release said tack body from said slot." It is clearly disposed to move **rotationally** and not linearly. This is evident from the figures and description. The Specification of the '419 patent states that:

> "For mounting and supporting the spring clamp 14, the lower housing 3 of the tag body 1A includes a hollow circular mount 21 with a lip 21A and support walls 22, 23 and 24 (see, FIGS. 2, 3, 6A and 6B). The clamp is mounted, via the aperture 14A' of the mounting part 14, on the mount 21 with the area of mounting part adjoining the aperture 14A' supported on the lip 21A. A circular wall 25 of the upper housing 3 and a central cylindrical stud 26 of this housing (see, FIGS. 2 and 4A) maintain the mounting part 14A in its mounted position, **while allowing the mounting part to be rotated**. **The spring clamp 14 is thus able to pivot about the mounting part** as will be described more fully below...
>
> ...Continued rotational movement of the probe 8 then causes a on the release part 14B. This force, in turn, **causes the clamp body 14 to rotate about the support area 14A** on the mount 21. The jaws 15, 16 are thus enabled to spread apart or open due to the force of the tack body 4B, which is held stationary by the collar 3H, acting on the walls of the aperture 14C'. The aperture 14C' thus expands, releasing the tack body 4B from the grip or clutch of the jaws. The tack 4 can now be moved in the upward direction past the jaws, via an upward force on the tack head 4A, thereby withdrawing and separating the tack body 4B from the tag body 1A and the article 51 from the tag 1.
>
> **During rotation of the spring clamp body 14** as a result of the in-plane force exerted by the probe 8, the spring arm 17 at the joint 18 is compressed. After the tack

1 is separated from the tag body 1A, the probe 8 is rotated in the reverse direction. This reverse rotation disengages the probe from the release part 14A of the spring clamp 14 as the probe 8 is withdrawn from the channel 7. The force on the spring clamp 14 is thus removed and the spring arm 17 expands. **This causes the spring clamp 14 to rotate** in the opposite direction about the support area 14A. The spring clamp 14 is thereby brought back to its original position awaiting reentry of the tack body 4B for again attaching an article to the tag 1."

Accordingly, we respectfully request that the rejections be withdrawn.

For the reasons set forth above, we respectfully submit that the solicited claims are in proper condition for allowance, which action is respectfully requested.

Respectfully submitted,

Frank A. Cona
Reg. No. 38,412
Tyco Fire & Security Services
One Town Center Road
Boca Raton, Florida 33486
561-981-4366 (phone)
561-988-7843 (facsimile)